

1 MARIO P. LOVATO  
2 Nevada Bar No. 7427  
3 LOVATO LAW FIRM, P.C.  
4 8670 W. Cheyenne Ave., Suite 120  
5 Las Vegas, Nevada 89129  
6 T: (702) 979-9047  
7 F: (702) 554-3858  
8 mpl@lovatolaw.com  
9 Attorney for Defendants  
10 Frank O'Donnell and Lyle Mortensen

11 **UNITED STATES DISTRICT COURT**

12 **DISTRICT OF NEVADA**

13 KUNIO TSUTSUMI; NOBUTSUGU OKUDA; )  
14 TERUHISA BOMUKAI; YUKIKO ) Case No. 2:12-CV-1784-RFB-VCF  
15 KUREBAYASHI; EUN MEE KIM; KATSUYO )  
16 YAMADA; REIKO HAYASE; )  
17 KIMIKO TESHIGAHARA; )  
18 )  
19 Plaintiff, )  
20 )  
21 vs. )  
22 )  
23 ADVANCED POWER TECHNOLOGIES, INC., )  
24 A Nevada corporation; ADVANCED ENERGY )  
25 OASIS INC., a Nevada corporation; LYLE )  
26 MORTENSEN, individually; FRANK )  
27 O'DONNELL, individually, GLOBAL SMART )  
28 ENERGY, INC., a Nevada corporation; DOES I )  
through X; and ROE BUSINESS ENTITIES )  
I through X, inclusive, )  
Defendants. )  
KIMIKO TESHIGAHARA, )  
Plaintiff, ) CASE NO. 2:12-CV-1785  
vs. ) (Consolidated with No. 2:12-CV-1784)  
GLOBAL SMART ENERGY, INC., a Nevada )  
corporation; LYLE MORTENSEN, individually; )  
FRANK O'DONNELL, individually; DOES )  
I THROUGH X and ROE BUSINESS )  
ENTITIES I THROUGH X, inclusive, ) **STIPULATION AND ORDER**  
Defendants. ) **TO DISMISS WITH PREJUDICE**

IT IS STIPULATED AND AGREED by and between each and all of the Plaintiffs in this consolidated action (including Kunio Tsutsumi; Nobutsugu Okuda; Teruhisa Bomukai; Yukiko Kurebayashi; Eun Mee Kim; Katsuyo Yamada; Reiko Hayase; and Kimiko Teshigahara in the matter consolidated with the lead case), on the first hand, through their counsel, Dean Kajioka Esq. of the law firm of Kajioka & Associates, and Defendants Frank O'Donnell and Lyle Mortensen (in both the lead action and the action consolidated with the lead action), on the second hand, through their counsel, Mario P. Lovato of Lovato Law Firm, P.C., that any and all claims for relief by any and all of the Plaintiffs against Frank O'Donnell and Lyle Mortensen be DISMISSED WITH PREJUDICE, and that any and all of the parties to this Stipulation shall bear their own respective attorney fees and costs.

DATED: December 15, 2014.

DATED: December 16, 2014.

KAJIOKA & ASSOCIATES

LOVATO LAW FIRM, P.C.

DEAN Y. KAJIOKA, ESQ.  
Nevada Bar No. 5030  
8530 W. Charleston Blvd., Suite 100  
Las Vegas, NV 89117  
Attorney for Plaintiffs

MARIE P. LOVATO  
Nevada Bar No. 7427  
8670 W. Cheyenne Ave. Ste 120  
Las Vegas, NV 89129  
Attorney for Defendants  
Frank O'Donnell and Lyle Mortensen

## ORDER

IT IS SO ORDERED.

DATED: December 23, 2014.

---

**RICHARD F. BOULWARE, II**  
United States District Judge